Remarks

The Official Action of May 18, 2004 has been carefully considered. The changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 1-25 remain in the present application and are believed to be in condition for allowance. Claims 1, 24 and 25 have been amended. Support for these claim amendments can be found within the specification at, for example, page 12, lines 15-21. Also, the specification has been amended in accordance with the Examiner's requirements to provide clarity to the disclosure.

Applicants mailed an Information Disclosure Statement and Form PTO-1449 to the Patent Office on May 19, 2004. Applicants hereby respectfully request that the Examiner review the references cited on this Form PTO-1449 and provide Applicants with an initialed copy of the Form PTO-1449. Applicants appreciate the Examiner's assistance in this regard.

I. The Objection to the Drawings

The drawings were objected to under 37 C.F.R. §1.84(p)(5) because the originally filed FIG. 3 includes reference signs "24" and "25" that are not mentioned in the specification. In response to this objection, Applicants herewith submit a Replacement Sheet for FIG. 3 that is the same as the originally filed FIG. 3 except that the Replacement Sheet omits reference signs "24" and "25". Applicants respectfully request that this Replacement Sheet be accepted by the Examiner, and that the objection under 37 C.F.R. §1.84(p)(5) be removed accordingly.

II. The Objection to the Specification

The specification was objected to because of two informalities. First, the Examiner indicated that on page 8, line 14, "19" should be changed to "23". Second, the Examiner indicated that on page 15, line 5, "inserted through an aperture 73" should be inserted after "74". Applicants herein submit amendments to the specification to effect these required changes. As a result of these amendments, it is believed that this objection has been overcome, and it is accordingly requested that this objection be removed.

III. The Rejection of the Claims

Claims 1-18 and 21-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,333,678 to Munoz et al. in view of U.S. Patent No. 6,439,649 to Lorenzo et al. Claims 19-20 were rejected under 35 U.S.C. §103(a) over Munoz et al., as modified, as applied to claim 1 above, and further in view of purportedly "obvious common knowledge". However, Applicants submit that the bed systems defined by claims 1-25 are nonobvious over and patentably distinguishable from Munoz et al. and Lorenzo et al., either alone or in any arguable combination, or in view of the purportedly "obvious common knowledge." Accordingly, these rejections are traversed and reconsideration is respectfully requested.

Munoz et al. relates to a knockdown bed liner assembly for pickup-type trucks. The liner assembly comprises a floor panel for the truck bed floor, a front panel for the front wall of the truck bed, a pair of side panels for the side walls of the truck bed, and a separate panel for the tailgate of the truck. The floor, front and side panels include flanges. These flanges overlap each other where the panels are secured together with fastening means such as bolts, washers and lock nuts. A pair of rail guards are provided for securing the side panels to the side walls of the truck bed. A molding is installed along the rear margin of the main body

portion of the floor panel. Holes are drilled through the leg of the molding into the truck bed floor and the molding is secured in place by means of screws.

Lorenzo et al. relates to a pickup truck box that is fabricated from a plurality of separately molded plastic sections that are joined together with an adhesive. The pickup truck box is comprised of three separately molded sections, including a central section which defines most of the area of a floor and a front wall; a left or driver's side section which defines a left sidewall, a left wheel well, a portion of the floor and a portion of the front wall; and a right or passenger's side section that defines a right sidewall, a right wheel well, a portion of the floor and a portion of the front wall. These sections are joined together with a structural adhesive, such as through placement of adhesive beads between overlapping edges of the sections.

In contrast with the individual and/or combined teachings of Lorenzo et al. and Munoz et al., the present invention as respectively defined by amended independent claims 1, 24 and 25 relates to pickup truck bed systems that include, among other components, a cushioning element that is located between overlapping first and second edge portions at an interface. According to these claims, the cushioning element is resiliently compressible and permits relative movement between the first and second edge portions at the interface. Moreover, the cushioning element is not attached to more than one of the first and second edge portions at the interface.

In the Official Action, the Examiner contends that Munoz et al. disclose a pickup truck bed system comprising overlapping plastic members, such as a bed floor, a sidewall member, a head board, and a bed rail member, and that these members are secured to support components (the metal truck bed floor, side walls, and head board) with fasteners, such as bolts. The Examiner recognizes, however, that Munoz et al. do not expressly disclose that the overlapping members have a cushioning member between them, and Applicants agree with the Examiner in this regard.

The Examiner, however, then contends that Lorenzo et al. disclose a bed system comprising overlapping plastic members with cushioning members (60, 62) between them, and that, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the bed system of Munoz et al. to employ cushioning members as allegedly taught by Lorenzo et al. Applicants disagree with this contention, as neither Munoz et al. nor Lorenzo et al., either alone or in any arguable combination, teach, disclose or otherwise suggest a cushioning element, the cushioning element being located between the overlapping first and second edge portions at an interface and being attached to not more than one of the first and second edge portions at the interface, the cushioning element being resiliently compressible and permitting relative movement between the first and second edge portions at the interface, as respectively required by each of independent claims 1, 24 and 25 as amended. Accordingly, the Examiner's rejection of independent claims 1, 24 and 25, and all claims dependent thereon, is improper and should be removed.

In particular, the Examiner cites to items 60 and 62 of Lorenzo et al. as being examples of the claimed cushioning element. However, the specification of Lorenzo et al. makes abundantly clear at column 6, lines 23-24, that item 60 is an adhesive. With respect to adhesives, the specification indicates at column 4, lines 52-61, that:

> The adhesive used to join the sections of box 10 together are selected so that adhesive failure at the interface between the individually molded sections of the box and the adhesive will not occur. It is also preferred that the adhesive have sufficient mechanical properties so that cohesive failure of the adhesive does not occur. In other words, the preferred failure mode is in the pickup truck sections (e.g., 32, 34 and 40), not cohesive failure in the adhesive or adhesive failure at the interface between the adhesive and the sections of the pickup truck box.

Also, at column 4, lines 64-67, the specification indicates that "[a]dhesives should be selected to ensure a uniform bond line that resists weathering and is durable enough to withstand shear and tensile forces associated with normal movement of a typical pickup truck box." Despite any minor inherent cushioning that Lorenzo et al.'s adhesive may provide, a person having

ordinary skill in the art would not look to the adhesive of Lorenzo et al. as being resiliently compressible and permitting relative movement between the first and second edge portions at the interface, as required of the claimed cushioning element by amended independent claims 1, 24 and 25.

Furthermore, Lorenzo et al., like Munoz et al., disclose multi-piece bed systems in which the individual bed panels are attached together. In particular, Lorenzo et al. disclose its adhesive as bonding together the individual panels of its pickup truck box. It is important to appreciate, however, that the bed members of claims 1, 24, and 25 need not be bonded to each other because they are each individually secured to an underlying support structure of the truck bed. In such a configuration, it may be desirable to prevent these unattached bed members from touching each other along their edge portions (e.g., to prevent wearing due to rubbing), and the claimed cushioning element is therefore well-suited for use in such applications. In fact, the cushioning element of amended independent claims 1, 24 and 25 is not even attached to both overlapping bed members, and therefore cannot provide any bond whatsoever between these sections. For this additional reason, the adhesive of Lorenzo et al. cannot in any way teach, suggest or otherwise disclose the claimed cushioning element. In fact, by requiring its adhesive to attach overlapping bed panels, Lorenzo et al. actually teach away from the use of the claimed cushioning element to permit relative movement between the first and second edge portions at the interface.

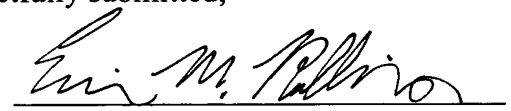
Furthermore, item 62 of Lorenzo et al. does not teach or suggest the claimed cushioning element as asserted by the Examiner. In particular, item 62 is discussed at column 6, lines 29-31 of the Lorenzo et al. specification to be spacer beads such as glass beads having a diameter corresponding to the desired gap (e.g., about 1 millimeter). The purpose of the spacer beads is to resist compression in order that ample space will be provided between the overlapping panels so that enough adhesive can remain for bonding the overlapping panels together. If the spacer beads were resiliently compressible, then they would not fulfill their intended function of ensuring adequate and consistent separation

between the overlapping panel sections (to ensure adequate space for the adhesive). Accordingly, the spacer beads 62, like the adhesive 60, do not teach, suggest or otherwise disclose the cushioning element of independent claims 1, 24 and 25.

As previously indicated, claims 19-20 have been rejected under 35 U.S.C. §103(a) over Munoz et al., as modified, as applied to claim 1 above, and further in view of purportedly "obvious common knowledge". Applicants also traverse this rejection, as it would not have been obvious to one having ordinary skill in the art at the time the invention was made to employ open-celled foam or rubber as the claimed cushioning element. However, even if such were obvious common knowledge, it would not resolve the deficiencies of Munoz et al. and Lorenzo et al. Accordingly, reconsideration of this rejection is respectfully requested.

Accordingly, neither Munoz et al. nor Lorenzo et al., alone or in any arguable combination, teach, disclose or otherwise suggest the cushioning elements of independent claims 1, 24 and 25. For the reasons set forth above and additional reasons not specifically recited herein, it is believed that the rejections under 35 U.S.C. §103 are overcome and independent claims 1, 24, and 25, as well as all claims directly or indirectly dependent thereon, are in condition for allowance. Applicants respectfully request reconsideration and early allowance of this application.

Respectfully submitted,

By 

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